

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KURT MORALES II, BEN FABRIKANT,
and BRANDON CALLIER, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

SUNPATH LTD., a Delaware corporation,
and NORTHCOAST WARRANTY
SERVICES, INC., a Delaware corporation,

Defendants.

Case No. 20-CV-01376-RGA

**STIPULATION AND [PROPOSED] ORDER STAYING HEARING ON MOTION FOR
CLASS CERTIFICATION AND FOR PRELIMINARY INJUNCTION**

Plaintiffs Kurt Morales II, Ben Fabrikant, and Brandon Callier, individually and on behalf of all others similarly situated (“Plaintiffs”), and Defendants Sunpath Ltd., and Northcoast Warranty Services, Inc. (“Defendants”), stipulate and agree as follows:

WHEREAS, on November 17, 2020, Plaintiffs filed a First Amended Class Action Complaint and Motion for Class Certification and for Preliminary Injunction (the “Class Motion”) [D.I. 12, 13];

WHEREAS, on November 20, 2020, the Court entered a Stipulated Order governing the briefing on the Class Motion and setting a hearing for February 16, 2021 at 2:00 P.M. [D.I. 27]

WHEREAS, on December 18, 2020, Defendants filed an Answering Brief in opposition to the Class Motion [D.I. 34];

WHEREAS, on January 8, 2021, Plaintiffs filed a Reply Brief in further support of the Class Motion;

WHEREAS, on February 9, 2021, the parties stipulated and agreed that Plaintiffs may file a Second Amended Class Action Complaint [D.I. 45];

WHEREAS, on February 10, 2021, Plaintiffs filed a Second Amended Class Action Complaint, which Defendants must respond to on or before March 2, 2021 [D.I. 46];

AND NOW, THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that the hearing on the Class Motion scheduled for February 16, 2021 at 2:00 P.M. may be removed from the Court's calendar and stayed until after Defendants respond to the Second Amended Class Action Complaint at which time the parties shall meet and confer concerning briefing on any dispositive motion and any supplemental briefing on the Class Motion.

DATED: February 10, 2021

By: /s/ Ian Connor Bifferato.

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DATED: February 10, 2021

By: /s/ David B. Anthony .

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*Attorneys for Defendants Sunpath Ltd. and
Northcoast Warranty Services, Inc.*

IT IS SO ORDERED.

DATED: _____

Richard G. Andrews
United States District Judge